



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 3030-10
26 January 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 January 2011. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 17 November 1983 at age 18 and served for about ten months without disciplinary incident. However, during the period from 6 September to 17 October 1984, you received nonjudicial punishment (NJP) on four occasions for two specifications of wrongful use of marijuana, five periods of absence from your appointed place of duty, failure to go to your appointed place of duty, and breaking restriction.

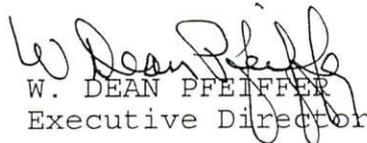
On 1 November 1984 you were convicted by summary court-martial (SCM) of four periods of absence from your appointed place of duty and failure to obey a lawful order by consuming alcoholic beverages aboard your ship. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities, a pattern of misconduct, and drug abuse. After waiving your procedural rights to legal counsel and an administrative discharge board (ADB), your commanding officer recommended discharge under other than honorable conditions by

reason of misconduct due to frequent involvement of a discreditable nature with military authorities, a pattern of misconduct, and drug abuse. Shortly thereafter, the discharge authority approved this recommendation and directed your commanding officer to discharge you under other than honorable conditions by reason of misconduct, and on 29 November 1984, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that you were given an option to receive a medical discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated misconduct which resulted in four NJPs and a SCM. Further, you were given an opportunity to defend yourself and possibly obtain a better characterization of service, but chose to waive your procedural right to present your case to an ADB. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director